THIS WAS THE FINAL VERSION OF THE WALTA AMENDMENT. IT WAS REMOVED FROM CONSIDERATION IN MID-MARCH, 1993.

AMENDMENT OF COLORADO CONSTITUTION

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Article II, Section 30b of the Colorado constitution, commonly known as "Amendment Two", is hereby repealed and reenacted as follows:

~~**Section 30b. No Protected Status Based on Homosexual, Lesbian or Bisexual Orientation.**~~

~~Neither the state of Colorado, through any of its branches or departments, nor any of its agencies, political subdivisions, municipalities or school districts, shall enact, adopt or enforce any statute, regulation, ordinance or policy whereby homosexual, lesbian or bisexual orientation, conduct, practices or relationships shall constitute or otherwise be the basis of, or entitle any person or class of persons to have or claim any minority status, quota preferences, protected status or claim of discrimination. This section of the Constitution shall be in all respects self-executing.~~

SECTION 30B. NO DISCRIMINATION OR SPECIAL RIGHTS IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS BASED ON SEXUAL ORIENTATION

(1) **PROHIBITION OF DISCRIMINATION.** NEITHER THE STATE OF COLORADO NOR ANY OF ITS POLITICAL SUBDIVISIONS SHALL DISCRIMINATE AGAINST ANY PERSON OR GROUP OF PERSONS IN MATTERS OF EMPLOYMENT, HOUSING OR PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION.

(2) **PROHIBITION OF SPECIAL RIGHTS.** NEITHER THE STATE OF COLORADO NOR ANY OF ITS POLITICAL SUBDIVISIONS SHALL ESTABLISH SPECIAL RIGHTS FOR ANY PERSON OR GROUP OF PERSONS IN MATTERS OF EMPLOYMENT, HOUSING OR PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION.

(3) **DEFINITIONS.** THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS SECTION OF THE COLORADO CONSTITUTION AND TO ANY STATUTE IMPLEMENTING THIS SECTION:

(1) "SEXUAL ORIENTATION" MEANS ONE'S STATUS AS HETEROSEXUAL, HOMOSEXUAL OR BISEXUAL.

(2) "SPECIAL RIGHTS" MEANS A PROVISION UNDER WHICH ANY PERSON OR GROUP OF PERSONS IS GIVEN A PREFERENCE OR FAVORED TREATMENT, SUCH AS THE ESTABLISHMENT OF QUOTAS, PREFERENCES IN AWARDING CONTRACTS, AND AFFIRMATIVE ACTION PROGRAMS.

(4) IMPLEMENTATION. THIS SECTION OF THE CONSTITUTION IS DECLARED TO BE A MATTER OF STATEWIDE CONCERN AND SHALL BE SELF-EXECUTING; THE STATE OF COLORADO MAY ENACT LAWS CONSISTENT WITH THIS SECTION IN ORDER TO IMPLEMENT ITS PROVISIONS AND MAY APPLY SUCH LAWS TO PRIVATE PERSONS AND ENTITIES, SUBJECT TO REASONABLE LIMITATIONS AND EXEMPTIONS; POLITICAL SUBDIVISIONS MAY ENACT RULES APPLICABLE TO THEIR OWN EMPLOYEES AND OPERATIONS AND MAY ENACT LAWS APPLICABLE TO PRIVATE PERSONS AND ENTITIES, SO LONG AS SUCH ENACTMENTS ARE FULLY CONGRUENT WITH THIS SECTION AND STATE STATUTES.

AMENDMENT OF COLORADO REVISED STATUTES

ARTICLE 34 OF TITLE 24, COLORADO REVISED STATUTES, 1988 REPL. VOL., AS AMENDED, IS AMENDED BY THE ADDITION OF A NEW PART TEN TO READ **"PROHIBITION OF DISCRIMINATION AND SPECIAL RIGHTS IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS BASED ON SEXUAL ORIENTATION"**, AS FOLLOWS:

24-34-1001. PROHIBITION OF DISCRIMINATION. SUBJECT TO THE EXEMPTIONS AND LIMITATIONS SET FORTH IN THIS PART, NO PERSON SHALL DISCRIMINATE AGAINST ANY OTHER PERSON OR GROUP OF PERSONS IN MATTERS OF EMPLOYMENT, HOUSING OR PUBLIC ACCOMMODATIONS ON THE BASIS OF SEXUAL ORIENTATION; AND FURTHERMORE, DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION SHALL BE SUBJECT TO ALL OF THE PROVISIONS OF TITLE 24, ARTICLE 34, PART 3 "COLORADO CIVIL RIGHTS DIVISION--COMMISSION--PROCEDURES", PART 4 "EMPLOYMENT PRACTICES", PART 5 "HOUSING PRACTICES", PART 6 "DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION" AND PART 7 "DISCRIMINATORY ADVERTISING", TO THE EXTENT THOSE PROVISIONS ARE CONSISTENT WITH THE EXEMPTIONS AND LIMITATIONS SET FORTH IN THIS PART; AND FURTHERMORE, THE JURISDICTION OF THE COLORADO CIVIL RIGHTS COMMISSION IS EXPANDED TO COVER THIS PART.

24-34-1002. PROHIBITION OF SPECIAL RIGHTS. SUBJECT TO THE EXEMPTIONS AND LIMITATIONS SET FORTH IN THIS PART, NO PERSON SHALL ESTABLISH SPECIAL RIGHTS FOR ANY PERSON OR GROUP OF PERSONS IN MATTERS OF EMPLOYMENT, HOUSING OR PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION.

24-34-1003. STATISTICAL EVIDENCE PROHIBITED. A FINDING OF DISCRIMINATION BASED UPON SEXUAL ORIENTATION SHALL NOT BE BASED IN WHOLE OR IN PART ON STATISTICAL DIFFERENCES IN THE PERCENTAGE OF PERSONS OF A PARTICULAR SEXUAL ORIENTATION IN ALL OR PART OF THE GENERAL POPULATION AS OPPOSED TO THE PERCENTAGE OF SUCH PERSONS IN THE ACTIVITY OR ORGANIZATION IN QUESTION.

24-34-1004. EXEMPTIONS. THE FOLLOWING ORGANIZATIONS, INDIVIDUALS AND ACTIVITIES SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS PART:

(1) EMPLOYERS WHO HAVE TEN (10) OR FEWER EMPLOYEES AT THE TIME OF THE ALLEGED VIOLATION;

(2) HOUSEHOLD EMPLOYEES OR BABYSITTERS REGARDLESS OF THE NUMBER EMPLOYED;

(3) A HOUSE OR LIVING UNIT NORMALLY OCCUPIED AS A RESIDENCE OR VACATION HOME, WHICH IS LEASED OR SUBLEASED BY THE OCCUPANT TO A THIRD PARTY FOR ONE YEAR OR LESS;

(4) A BUILDING OR APARTMENT WITH FIVE (5) OR FEWER RENTAL UNITS, AT LEAST ONE OF WHICH IS OCCUPIED AS A RESIDENCE BY AN OWNER;

(5) OWNERS OR TENANTS SEEKING ROOMMATES IN SHARED LIVING SPACE;

(6) ALL NON-PROFIT INDIVIDUAL MEMBERSHIP ORGANIZATIONS WHICH WOULD BE EXEMPT FROM TAXATION UNDER ANY OF THE PROVISIONS OF 501(C) OF THE UNITED STATES INTERNAL REVENUE CODE, AS AMENDED THROUGH DECEMBER 31, 1992, INCLUDING AGGREGATES OF SUCH ORGANIZATIONS;

A) PROVIDED THAT THIS EXEMPTION SHALL APPLY REGARDLESS OF WHETHER ANY SUCH ORGANIZATION HAS RECEIVED FORMAL RECOGNITION OF TAX EXEMPTION FROM THE INTERNAL REVENUE SERVICE;

B) PROVIDED FURTHER THAT THIS EXEMPTION SHALL NOT APPLY TO LABOR, PROFESSIONAL OR BUSINESS ORGANIZATION NOR SHALL IT APPLY TO ORGANIZATIONS FINANCED IN WHOLE OR IN PART BY TAX-EXEMPT BONDS OR SIMILAR OBLIGATIONS ISSUED BY THE STATE OF COLORADO OR ITS POLITICAL SUBDIVISIONS AFTER JANUARY 1, 1994.

(7) ALL CHURCHES OR RELIGIOUS ASSOCIATIONS AND THEIR SCHOOLS OR EDUCATIONAL INSTITUTIONS.

24-34-1005. NONSEVERABILITY. IF ANY PROVISION OF THIS PART 10 IS FOUND UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THEN ALL OF ITS REMAINING PROVISIONS SHALL BE VOID.

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